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EXAMINER

LE, KIMLIEN T

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,828

Applicant(s)

SEO, JIN-GYO

Examiner

Kimlien T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Response to Arguments*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 5, 2004 has been entered.
2. Applicant's arguments filed on February 5, 2004 have been fully considered but they are not deemed to be persuasive.

Applicant asserts on page 7:

"Nagara fails to teach or suggest that the power level of the last pulse is set independent of the power level of the first pulse as recited in independent claim 1."

The Examiner maintains that Nagara et al. (U.S. Patent 6,407,976) discloses that the power level of the last pulse is set independent of the power level of the first pulse (Figs. 1 and 7; column 3, lines 48-67; column 4, lines 40-58).

Furthermore, Applicant asserts on page 9:

Maeda fails to teach or suggest, "providing a different reference power level to each multi-pulse train depending on the energy or density of a non-return-to-zero inverted (NRZI) signal detecting a correlation between a current mark and a space between successive marks," emphasis added, as recited in independent claim 24.

The Examiner maintains that Maeda et al. (U.S. Patent 6,160,784) discloses a different reference power level to each multi-pulse train depending on the energy or density of a non-return-to-zero inverted (NRZI) signal detecting a correlation between a current mark and a space between successive marks," (Fig. 1; column 5, lines 15-30; the energy of the non-return-to-zero inverted is the value of the vertical axis).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagara et al. (U.S. Patent 6,407,976).

Regarding claim 1, see Figs. 1-3 and 7 of Nagara et al which show an adaptive recording method used with an optical recording medium, the method comprising: forming a mark using a multiple pulse train comprising a first pulse a multi-pulse having a peak power level, and a last pulse controlling power levels of the first and last pulses with respect to the peak power level of the multi-pulse depending on a correlation between a mark and a pace between successive marks; setting the power level of the first pulse depending on the correlation between the mark and the space, wherein the power level of the last pulse is set independent of the power level of the first pulse; setting the power level of the last pulse depending on the correlation between the mark and the space; and driving a recording unit (Fig. 3, element 22; See also column 7, lines 1-5) by the multiple pulse train having the set power levels of the first and last pulses (column 1, lines 45-60; column 3, line30- column 4, line 53).

Regarding claim 3, see Figs. 1-3,5 and 7 of Nagara et al which show the method of claim 1, further comprising changing the power level of the multi-pulse depending on the energy of a non-return-to-zero inverted (NRZI) signal (column 9, lines 55-65).

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Regarding claim 4, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 1, wherein the recording unit is a laser diode (column 6, lines 62-68).

Regarding claim 5, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 1, wherein the power level of the first pulse is set higher or lower than the reference power level (Fig. 7).

Regarding claim 6, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 1, wherein the power level of the first pulse is set depending on a correlation between a current mark and a previous space (Figs. 1A-1C and 7).

Regarding claim 7, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 6, wherein the power level of the first pulse is set depending on the correlation between the current mark and the previous space or the size of the current mark (Figs. 1A-1C and 7).

Regarding claim 8, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 1, wherein the power level of the first pulse is set depending on the size of a current mark (Figs. 1A-1C and 7).

Regarding claim 9, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 1, wherein the power level of the last pulse is set higher or lower than the reference power level (Figs. 1A-1C and 7).

Regarding claim 10, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 1, wherein the power level of the last pulse is set depending on the correlation between the current mark and a next space (Figs. 1A-1C and 7).

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Regarding claim 11, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 9, wherein the power level of the last pulse is set depending on the correlation between the current mark and the next space or the size of the current mark (Figs. 1A-1C and 7).

Regarding claim 12, see Figs. 1-3 and 7 of Nagara et al which show the method of claim 1, wherein the power level of the last pulse is set depending on the size of the current mark (column 1, lines 45-60).

4. Claims 18-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda et al. (U.S. Patent 6,160,784).

Regarding claim 18, see Figs. 1-4 of Maeda et al. which show a method of controlling recording a signal on an optical disc using multiple pulse trains comprising a first multi-pulse train having a first pulse, a multi-pulse having a reference power level, and a last pulse, the method comprising: controlling the power level of the last pulse independent of the power level of the first pulse (Fig1; column 4, line 42- column 6, line 35; Abstract).

Regarding claim 19, see Figs. 1-4 of Maeda et al. which show the method according to claim 18, wherein the power levels of the first and last pulse are controlled by selecting a peak power level  $P_w$ , a power  $P_{wh}$  higher than the peak (Fig1; column 4, line 42- column 6, line 35; Abstract).

Regarding claim 20, see Figs. 1-4 of Maeda et al. which show the method according to claim 19, wherein  $P_w$  is an optimum peak power level and  $P_w$  and  $P_{wl}$ , are generated by adding or subtracting a predetermined value to or from the optimum peak power level  $P_w$ , respectively (Fig1; column 4, line 42- column 6, line 35; Abstract).

Regarding claim 21, see Figs. 1-4 of Maeda et al. which show the method according to claim 18, wherein the multi-pulse reference power level is greater than the first pulse power level and less than the last pulse power level (Fig1; column 4, line 42- column 6, line 35; Abstract).

Regarding claim 22, see Figs. 1-4 of Maeda et al. which show the method according to claim 19, wherein the multiple pulse trains further comprises a second multi-pulse train having a first pulse, a multi-pulse having a reference power level, and a last pulse, wherein the power level of the multi-pulse of the second multipulse train is less than the first pulse power level of the second multi-pulse train and greater than the last pulse power level of the second multi-pulse train (Fig1; column 4, line 42- column 6, line 35; Abstract).

Regarding claim 23, see Figs. 1-4 of Maeda et al. which show the method according to claim 22, wherein the multiple pulse trains further comprise a third multi-pulse train having a first pulse, a multi-pulse having a reference power level, and a last pulse, wherein the power level of the multi-pulse of the third multi-pulse train is equal to the first pulse power level of the third multi-pulse train and great than the last pulse power level of the third multi-pulse train (Fig1; column 4, line 42- column 6, line 35; Abstract).

Regarding claim 24, see Figs. 1-4 of Maeda et al. which show a method of controlling recording marks on an optical disc using multiple pulse trains comprising first, second and third multi-pulse trains each having a first pulse, a multi-pulse having a reference power level, and a last pulse, the method comprising: providing a different reference power level to each multi-pulse train depending on the energy or density of a non-return-to-zero inverted (NRZI) signal detecting correlation between a current mark and a space between successive marks (column 4, line 42- column 6, line 35).

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Regarding claim 25, see Figs. 1-4 of Maeda et al. which show a method according to claim 24, wherein the power level of the first and last pulse of each of the first, second and third multi-pulse trains is higher or lower than the reference power level (column 4, line 42- column 6, line 35; Abstract).

Regarding claim 26, see Figs. 1-4 and 7 of Maeda et al. which show a method according to claim 18, wherein the power level of the multi-pulse is controlled independent of the first and last pulses (column 3, lines 48-67; column 4, lines 40-58).

#### *Cited References*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references are all related to adaptive recording control method.

#### *Point of Contact*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703-305-3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Korzuch William can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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